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MEMO ENDORSED

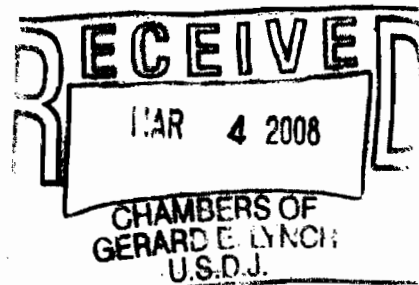
March 4, 2008

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/5/08

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BY HAND

Honorable Gerard E. Lynch
U.S. District Judge
U.S. District Court for the
Southern District of New York
U.S. Courthouse
500 Pearl Street
Room 910
New York, New York 10007



Re: Berkshire Partners LLC v. Ball Corporation,
Index No. 08-CV-00556 (GEL)

Dear Judge Lynch:

We represent the plaintiff in this action, and we submit this letter on behalf of both parties.

Pursuant to the Notice of Conference that we received from the Court on February 29, 2008, the parties have conferred and agreed with respect to a discovery schedule. In light of the conference scheduled before Your Honor later this afternoon, I am taking the liberty of having this letter hand delivered.

The parties have agreed to the following dates:

- March 5, 2008: Parties may begin any discovery.
- March 18, 2008: Parties serve initial disclosures.
- October 31, 2008: Fact discovery ends.
- December 15, 2008: Defendant serves expert reports.
- January 15, 2009: Plaintiff serves expert reports.
- January 22, 2009: Defendant serves rebuttal expert reports, if necessary.

July 25, 2008 at 2:30pm: The parties shall appear before the Court for a status conference.

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Honorable Gerard E. Lynch

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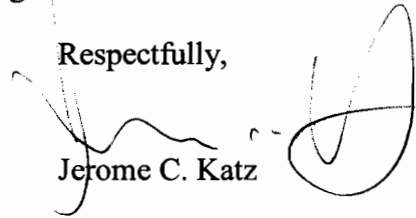
March 4, 2008

* { February 2, 2009: Expert depositions begin.
March 31, 2009: Discovery cut-off.

The parties both believe that the foregoing dates are reasonable and realistic.

Respectfully,

Jerome C. Katz



JCK:jdr

cc: Lauren E. Aguiar, Esq.
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Gerard E. Lynch
SO ORDERED
GERARD E. LYNCH, U.S.D.J.
3/4/08